MSS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 6304 OF 2006

ANDEWADI SHAVARAPPA PUNDLIK .. PETITIONER

Vs.

STATE OF MAHARASHTRA & ORS. .. RESPONDENTS

Mr. D. W. Bhosale for petitioner

Mr. R.D. Rane, Addl. G.P. for R-1

Mr. Vijay Killedar h/f Nitin Jamdar for R-2

Mr. G.N. Salunke & Umesh Kurund for R-3 & 4

CORAM: SMT. RANJANA DESAI &
SMT. R.S. DALVI, JJ.

DATE: DECEMBER 4, 2007.

P.C.

. We have heard learned counsel for the petitioner and learned counsel for the respondents.

2. It is the petitioner's case that by letter dated 15/9/03, the Education Officer (Primary) Zilla Parishad Sholapur had directed the 4th respondent to submit a proper proposal for approval for the appointment of the petitioner as Assistant Teacher.

3. Accordingly proposal was submitted by the 4th respondent. Our attention is drawn to letter dated 20/7/04 sent by the 2nd respondent (the Education Officer for convenience) to the 4th respondent informing him that hearing was fixed on 20/7/04 at 11 O'clock. The letter further states that the 4th respondent should remain present with the documents described in the said letter. The petitioner has not received any communication from the Education Officer as regards this hearing.

4. Learned counsel for the 4th respondent is not in a position to affirmatively state whether hearing took place or not.

5. In our opinion, in the circumstances of the case, the Education Officer should in pursuance to his letter dated 15/9/03 give a hearing to the petitioner as regards the proposal submitted by the 4th respondent. The Education Officer should also hear all concerned and pass a reasoned order taking into consideration all contentions raised by the parties. He should then communicate this order to the petitioner and the management. Hence the following order:

. "The Education Officer shall in pursuance to his letter dated 15/9/03 give a hearing to the petitioner as regards the proposal submitted by the 4th respondent. Learned counsel for the 4th respondent states that hearing shall take place on 13/12/07. On 13/12/07 the petitioner and the representative of the management may attend the office of the Education Officer with necessary papers. The Education Officer shall hear all concerned and pass a reasoned order taking into consideration all contentions raised by the parties. He shall then communicate his order to the petitioner and the management. The entire exercise should be completed by him within six weeks from today. Needless to say that the Education Officer shall pass order independently and in accordance with law.

. Petition is disposed of."

JUDGE

JUDGE